

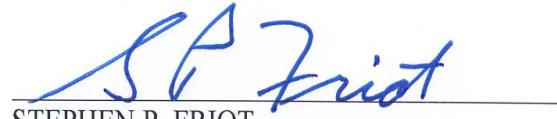
IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

FREDERICK BANKS, )  
                          )  
Plaintiff,           )  
                          )  
vs.                    )      Case No. CIV-14-1163-F  
                          )  
RICH FITZGERALD, et al., )  
                          )  
Defendants.           )

**ORDER**

The Report and Recommendation of Magistrate Judge Suzanne Mitchell is before the court. Doc. no. 6 (the Report). The Report recommends that plaintiff/petitioner's claims be summarily dismissed without prejudice, and that his motion for *in forma pauperis* status, doc. no. 2, be deemed moot. The Report advised plaintiff/petitioner of his right to make objections to the Report, and that failure to make timely objection waives the right to appellate review of the recommended ruling. No objection or request for an extension of time has been filed. Having conducted its own review and with there being no objection, the Report and Recommendation of Magistrate Judge Mitchell is **ACCEPTED, ADOPTED** and **AFFIRMED**. This action is **DISMISSED** without prejudice, and the motion for leave to proceed *in forma pauperis* is deemed moot.

Dated this 26<sup>th</sup> day of November, 2014.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE